

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LONNETTE GREENE,

Plaintiff,

-against-

BEN CARSON, in his official capacity as
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT, and DESHLER APTS.
ASSOCS. L.P.,

Defendants.

ANALISA TORRES, District Judge:

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14 Civ. 3676 (AT) (GWG)

ORDER

By opinion and order dated June 14, 2017 (the “order”), the Court granted in part and denied in part HUD’s motions for judgment on the pleadings and for summary judgment. ECF No. 108. The order instructed the parties to confer about how to proceed with Plaintiff Lonnnette Greene’s remaining claims against Ben Carson, in his official capacity as Secretary Of Housing and Urban Development (“HUD”) and Deshler Apartments Associates L.P. (“Deshler”), including whether those claims should be stayed pending remand to HUD of Plaintiff’s Administrative Procedure Act claims. *Id.* at 33.

By letter dated July 6, 2017, the parties outlined their respective positions. ECF No. 113. Greene seeks leave to move for summary judgment on her due process claims against HUD, *id.* at 1, despite the fact that the deadline for summary judgment has long since passed, *see* ECF No. 36. HUD requests that Greene’s due process claims be remanded to HUD. ECF No. 113 at 3. HUD does not contest the Court’s finding that Greene’s due process rights were denied, *see id.*, which makes Greene’s intended summary judgment motion practice unnecessary. Greene and Deshler both agree that Greene’s claims against Deshler should be held in abeyance pending resolution of Greene’s claims against HUD. *Id.* at 3, 4.

Accordingly, it is ORDERED that:

1. This matter is REMANDED to HUD for consideration of Greene’s claim to a Section 8 subsidy, in a manner consistent with the Court’s June 14 order;
2. Proceedings in this matter are STAYED pending HUD’s action; and
3. The parties shall submit a status report on **August 10, 2017**, and every sixty (60) days thereafter.

SO ORDERED.

Dated: July 10, 2017
New York, New York



ANALISA TORRES
United States District Judge